

Notice of Allowability

Application No.

10/780,325

Examiner

Rosanne Kosson

Applicant(s)

QUAY ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed on September 15, 2006.
2. ☒ The allowed claim(s) is/are 1,4-7,10-20,23,25 and 27-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DRAFT

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

1. The application has been amended as follows.

The claims are amended as follows.

17. (currently amended) The device of claim 1, wherein the Y2 receptor binding peptide comprises PYY(3-36) (SEQ ID NO: 2).
18. (currently amended) The device of claim 17, wherein the aqueous solution comprises PYY(3-36) (SEQ ID NO: 2) at a concentration of at least 200 µg/ml.
19. (currently amended) The device of claim 7, wherein the Y2 receptor binding peptide comprises PYY(3-36) (SEQ ID NO: 2).
20. (currently amended) The device of claim 19, wherein the aqueous solution comprises PYY(3-36) (SEQ ID NO: 2) at a concentration of at least 200 µg/ml.
- 21-22. (canceled)
23. (currently amended) The device of claim 11, wherein the Y2 receptor binding peptide comprises PYY(3-36) (SEQ ID NO: 2).
24. (canceled)

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25. (currently amended) The device of claim 23, wherein the aqueous solution comprises PYY(3-36) (SEQ ID NO: 2) at a concentration of at least 200 µg/ml.

26. (canceled)

Authorization for this Examiner's Amendment was given by telephone by Applicants' agent, Mr. Peter Knudsen, on September 21, 2006.

2. The following is an examiner's statement of reasons for allowance. The prior art neither teaches nor suggests a composition comprising PYY(3-36) and the surface active agent L- α -phosphatidylcholine didecanoyl (DDPC), although compositions comprising a PYY and another surfactant are known. As discussed in the previous Office action, Cowley et al. (US 2005/0176630) disclose compositions comprising a PYY and a surface-activating agent (a surfactant) as the PYY may be bound to a surfactant, such as a phospholipid, for example, cholate, deoxycholate or lecithin, to deliver the peptide across cell membranes (see paragraphs 128 and 411-417). Pang et al. (US 2004/0228846) disclose compositions comprising a PYY and a surfactant such as sodium lauryl sulfate, lecithin or polyethylene glycol (see paragraphs 153 and 170).

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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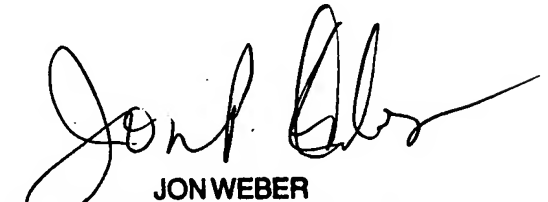
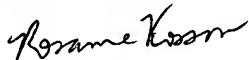
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosanne Kosson whose telephone number is 571-272-2923. The examiner can normally be reached on Monday-Friday, 8:30-6:00, with alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on 571-272-0925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rosanne Kosson
Examiner, Art Unit 1653

rk/2006-09-20



JON WEBER
SUPERVISORY PATENT EXAMINER